**IN THE HIGH COURT OF JUDIATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.215 OF 2006
IN
CRIMINAL APPEAL NO.201 Of 2006

Ashok Keshav Patil .. Applicant
Vs
The State of Maharashtra, .. Respondent

Mr Shekhar A.Ingawale, for the applicant.
Mrs M.M.Deshmukh, APP for the respondent.

**CORAM : D.B.BHOSALE, J.**

**DATED : 8th JUNE, 2006**

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent.

2. This is an application for bail in the appeal against conviction under section 304 Part II of IPC. The appeal has already been admitted. The applicant has been sentenced to suffer R.I. for 5 years and to pay fine of Rs.3000/- in default to suffer S.I. for one year. The alleged incident occurred on 19.6.2003 and I am informed that the applicant came to be arrested immediately thereafter. Since then he has been in jail. He has undergone about three years sentence so far i.e. more than half the sentence. I perused the judgment. It appears that the trial Court, on appreciation of the evidence on record, has recorded a finding in paragraph 37 of the judgment

that the applicant had exceeded the right of private defence. The medical evidence shows that he had inflicted single blow on the head which caused grievous injury to the deceased. Considering the overall facts and circumstances of the case and considering that more than half the sentence has already been undergone by the applicant and that the appeal is not likely to come up for hearing in near future, I am inclined to enlarge the applicant on bail.

. The applicant may be released on bail on his furnishing a P.R.bond of Rs.5000/- with one surety in the like amount subject to condition that he shall report the concerned police station on 1st and 3rd Sunday of every month between 10 and 11 am for two years from today.

. The criminal application is disposed of. Authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE,J.)